

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

CHRIS E. TURNER,)	
)	
Plaintiff,)	
)	
v.)	CASE NO: 3:07-cv-162-MEF
)	
CITY OF AUBURN, a municipality)	
of The State of Alabama; LARRY)	
LANGLEY, an individual; LEE)	
LAMAR, an individual; BILL HAM,)	
JR., an individual; STEVEN A.)	
REEVES, an individual; BILL JAMES,)	
an individual; DAVID WATKINS, an)	
individual; CHARLES M. DUGGAN,)	
an individual; and CORTEZ LAWRENCE,)	
an individual;)	
)	
Defendants.)	

**DEFENDANTS' MOTION FOR
ENLARGEMENT OF TIME TO FILE MOTION TO AMEND ANSWER**

COME NOW the Defendants and herewith show unto the Court that per the Amended Scheduling Order the date for filing amendments was May 5, 2008. Defendants timely filed a Motion with the Court to allow them to file a Second Amended Answer which this Court granted. Defendants filed their Second Amended Answer on May 12, 2008 as ordered by the Court.

In the Complaint, Plaintiff makes several references to a 1991 Settlement Agreement between the parties. It is the Defendants' position the Settlement Agreement has expired and/or been modified. Initially, Defendants did not think any affirmative defenses were necessary to address the applicability of the 1991 Settlement Agreement but in an abundance of caution and to ensure they have

presented all possible affirmative defenses, Defendants request this Court to enlarge the time to file motions to amend until May 16, 2008 so Defendants can file a Third Amended Answer presenting defenses as to the applicability of the 1991 Settlement Agreement.

Defendants acknowledge the date for filing amendments per the Amended Scheduling Order has expired but requests this Court to grant this enlargement so they can file this Amended Answer. In support of this Motion, Defendants show unto the Court this proposed Amendment is only one week after the May 5th deadline, that it will not unduly prejudice any party as depositions have not yet been taken and the case is not set for trial until January 26, 2009.

WHEREFORE, these premises prayed, Defendants move this Court to grant them an enlargement of time so they can file the Third Amended Answer.

/s/ *Randall Morgan*
RANDALL MORGAN [MORG8350]
ELIZABETH B. CARTER [3272-C-38E]
Attorney for Defendants

OF COUNSEL:
HILL, HILL, CARTER, FRANCO,
COLE & BLACK, P.C.
425 South Perry Street
Montgomery, Alabama 36104
334-834-7600

CERTIFICATE OF SERVICE

I hereby certify that on this the 12th day of May, 2008, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification to the following via email:

Jeffrey W. Bennitt
Jeff Bennitt & Associates, LLC
P.O. 383063
Birmingham, Alabama 35238-3063

Wanda D. Devereaux, Esq.
Devereaux & Associates, LLC
2800 Zelda Road, Ste 200-2
Montgomery, Alabama 36106

William K. Hancock, Esq.
Adams & Reese, LLP
2100 Third Avenue North, Suite 1100
Birmingham, Alabama 35203

/s/ *Randall Morgan*

OF COUNSEL